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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,950	01/07/2002	Claudio Torghele	946999.00002-4	5275

7590 08/09/2004

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EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,950	TORGHELE ET AL.	
	Examiner	Art Unit	
	Drew E Becker	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35, 37-53 and 55-82 is/are pending in the application.
 4a) Of the above claim(s) 58-81 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-35, 37-53, 55-57, 82 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 58-81 drawn to an invention nonelected with traverse in the reply filed on December 3, 2003. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
2. The examiner called Mr. George numerous times, asking to cancel non-elected claims 58-81 in order to put the application in condition for allowance. However, Mr. George refused to cancel the claims.

Allowable Subject Matter

3. Claims 1-35, 37-53, 55-57, and 82 are allowed.
4. The following is an examiner's statement of reasons for allowance: the multiple station apparatus for automated preparation of pizza of independent claims 3-4 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious a dough mixer comprising a closed housing with two circular and separated surfaces between which two casing surfaces extend which run in an arc along the same casing line and have upper and lower flat surfaces formed by a sliding blade, and kneading element;

the multiple station apparatus for automated preparation of pizza of independent claim 20 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious means for homogenizing and aerating by rotating a kneading

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element at high speed, means for preparing dough by rotating a kneading element at lower speed, and means for forming a balled dough by rotating a kneading element at a highest speed;

the multiple station apparatus for automated preparation of pizza of independent claim 53 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious the oven including sources of infrared rays in the visible, near-infrared, and far-infrared ranges;

the multiple station apparatus for automated preparation of pizza of independent claim 21 and 35 define over the prior art of record since the prior art does not teach, suggest, nor render obvious means for receiving a dough ball and presses the ball into a disc, means for pressing the disc into a pizza base, and means for dimpling the pizza base;

the multiple station apparatus for automated preparation of pizza of independent claim 37 and 82 define over the prior art of record since the prior art does not teach, suggest, nor render obvious the metering and dispensing device includes a dispensing feed tube which applies toppings in a spiral pattern by rotating and shifting radially over the pizza base;

the multiple station apparatus for automated preparation of pizza of independent claim 39 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious a metering and dispensing device including a base plate with a central hole and an axis, a bushing centered on the axis, a spindle connected to the

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bushing, a carriage connected to the spindle, a tube for feeding the components, wherein rotation causes components to be dispensed in a spiral;

the multiple station apparatus for automated preparation of pizza of independent clam 46 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious means for positioning the pizza for garnishing, means for rotating a dispenser perpendicular to the pizza, means for moving the dispenser radially relative to the perpendicular axis and parallel relative to the pizza, means for dispensing the components whereby they are placed in a spiral;

the multiple station apparatus for automated preparation of pizza of independent clam 47 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious sources of infrared rays in the far-, visible-, and near-infrared ranges located in the upper portion of the oven, sources of far-infrared rays located in the lower portion of the oven, the rays acting through a plate with openings which supports the pizza, and reflectors;

the multiple station apparatus for automated preparation of pizza of independent clam 55 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious a pizza cutting and transfer device including a plate, a blade, and a vertical sheet, wherein the plate moves vertically to cut the pizza with the blade, then horizontally allowing the blade and sheet to transfer the pizza.

Response to Arguments

5. Applicant's arguments filed July 9, 2004 have been fully considered but they are not persuasive.

Applicant argues that claims 20, 35, 46, 53, and 82 are linking claims. However, all of these claims possess limitations which are not present in method claim 58. Therefore, they are not linking claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 571-272-

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1396. The examiner can normally be reached on Mon.-Thur. 8am-5pm and every other Fri. 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Drew E Becker
Primary Examiner
Art Unit 1761
8-6-04